KIRKLEES COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 192
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015: ARTICLE 39

REFUSAL OF CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

Application Number: 2021/CL/91664/W

To: K Marshall
8, Bobbin Close
Golcar
Huddersfield
HD7 4DQ

For: K MARSHALL

FIRST SCHEDULE CERTIFICATE OF LAWFULNESS FOR PROPOSED DEMOLITION OF CONSERVATORY AND ERECTION OF SINGLE STOREY REAR EXTENSION AND ALTERATIONS (WITHIN A CONSERVATION AREA)(WITHIN CURTILAGE OF A LISTED BUILDING)

SECOND SCHEDULE 8, Bobbin Close, Golcar, Huddersfield, HD7 4DQ

KIRKLEES COUNCIL HEREBY REFUSES TO CERTIFY THAT ON 21-APR-2021 THE OPERATIONS DESCRIBED IN THE FIRST SCHEDULE THERETO IN RESPECT OF THE LAND SPECIFIED IN THE SECOND SCHEDULE HERETO AND EDGED RED ON THE SUBMITTED PLANS WOULD BE LAWFUL WITHIN THE MEANING OF SECTION 192 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED), FOR THE FOLLOWING REASONS:

The proposed extension cannot benefit from a general planning permission under Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) by reason of the original dwelling house as built containing a rearward projection containing a side elevation.

As the proposed enlargement extends beyond this side elevation and as the property lies within a Conservation Area the proposal is contrary to paragraph A.2(b) of Class A. As no other planning permission exists for the proposal it cannot be considered lawful for the purposes of planning control.

Plans and Specifications Schedule:-

Plan Type	Reference	Version	Date Received
Proposed Drawings	02-A	A	22.4.21
Existing Drawings	01	-	22.4.21

If the application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the area

NOTES:

(1) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse an application for a certificate of lawfulness of development, in whole or part (including any modification or substitution of the description of the use, operations or any other matter), s/he may appeal to the Secretary of State in accordance with Sections 195 and 196 of the Town and Country Planning Act 1990 (as amended).
Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at https://www.gov.uk/planning-inspectorate. Further information on the Planning Appeal process can be found online at the Planning Inspectorates website https://www.gov.uk/government/organisations/planning-inspectorate.

(2) This decision is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended)

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to dc.admin@kirklees.gov.uk so that we can work on continually improving our customer service. Thank you.

Dated: 16-Jun-2021

Signed: 

David Shepherd
Strategic Director Growth and Regeneration

Address to which all communications should be sent:-

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